



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/080,461	05/19/1998	HAJIME ASAMA	P619-93US0	9429

7590 10/22/2004

JACOBSON PRICE HOLMAN & STERN
400 SEVENTH STREET N W
WASHINGTON, DC 20004

EXAMINER

NGUYEN, LE V

ART UNIT PAPER NUMBER

2174

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/080,461

Applicant(s)

ASAMA ET AL.

Examiner

Le Nguyen

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25, 26 and 31-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25, 26 and 31-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to an amendment filed 7/26/04.
2. Claims 25, 26 and 31-40 are pending in this application. Claims 25 and 26 are independent claims; claims 27 and 28 have been cancelled; claims 25, 26, 31-36 have been amended; and, claims 37-40 have been added.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.
4. The indicated allowability of claim 35 and 36 is withdrawn in view of the newly discovered reference(s) to Craig et al. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 25, 26 and 35-38 rejected under 35 U.S.C. 102(e) as being anticipated by Craig et al. ("Craig").

As per claim 25, Craig teaches a user-adaptive variable-environment system comprising a computer provided with an operating environment (col. 2, lines 47-58; col. 3, lines 28-29 and 32-34; col. 4, lines 21-26; col. 6, lines 37-60; col. 7, lines 7-22, 30-32 and 36-46; col. 8, lines 46-47) and:

a user recognizing unit and an information storage medium to be applied to the user recognizing unit, the information storage medium being portable (figs. 2 and 3; col. 6, lines 53-60; col. 7, lines 9-13; *the user recognizing unit, CPU 210 and power management unit 220, senses the access card/"Smart Card"/information storage medium 220*) and serving as a password (col. 7, lines 14-22);

wherein the information storage medium stores user-environment information about an operating environment suitable for a user, the user-environment information includes at least one of (a) a type of an OS, (b) a language in which information is to be displayed, (c) usable application software or (d) a key layout (col. 7, lines 30-32 and 36-46; *user-environment information about an operating environment suitable for a user such as a usable application software, i.e. the information storage medium stores user preferences including a usable application/software such as a preferred desktop, screen saver selection and mode enablement*);

the user recognizing unit reads the user-environment information stored in the information storage medium and changes the operating environment of the computer so as to fit with the user-environment information (col. 7, lines 30-32; *incorporating user preferences if user preferences are present on the smart card*); and

the information storage medium is automatically and directly readable by the user recognizing unit while being inserted into the user recognizing unit (figs. 2 and 3; col. 6, lines 37-60; col. 7, lines 9-13).

As per claim 35, Craig teaches a user-adaptive variable-environment system wherein the information storage medium is an ID card serving as a password (col. 6, lines 37-52; col. 7, lines 11-22).

As per claim 37, Craig teaches a user-adaptive variable-environment system wherein teaches a user-adaptive variable-environment system wherein the information storage medium is an ID storage medium serving as a password (col. 6, lines 37-52; col. 7, lines 11-22).

Claim 26 is similar in scope to claim 25 and is therefore rejected under similar rationale.

Claim 36 is similar in scope to claim 35 and is therefore rejected under similar rationale.

Claim 38 is similar in scope to claim 37 and is therefore rejected under similar rationale.

Claim Rejections - 35 USC § 103

7. Claims 31, 32, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkinson in view of Windows NT 4 Workstation ("Win NT").

As per claim 31, although Craig teaches a user-adaptive variable-environment system wherein the user-environment information includes user's preference in

application(s) loaded, desktop or other characteristics of a computer (col. 7, lines 30-32 and 36-46), Craig does not explicitly disclose the "characteristic of a computer" to include one of a type of an operating system. Win NT teaches a computer enabled Windows NT OS (pp. 134-135; *i.e. a characteristic of a computer system is the OS used for users to communicate with the computer*). Therefore, it would have been obvious to an artisan at the time of the invention to include other characteristics of a computer such as Win NT's teaching of a Windows NT OS to Craig's teaching of other characteristics of a computer among which include users' preferences in application(s) loaded such as desktops and screen savers in order to provide users with additional user preferences, especially given that some users are more familiar with running applications on certain platforms such as windows platform over others such as a specific flavor of unix.

Claim 32 is similar in scope to claim 31 and is therefore rejected under similar rationale.

As per claim 39, the modified Craig teaches a user-adaptive variable-environment system wherein teaches a user-adaptive variable-environment system wherein the information storage medium is an ID storage medium serving as a password (Craig: col. 6, lines 37-52; col. 7, lines 11-22).

Claim 40 is similar in scope to claim 39 and is therefore rejected under similar rationale.

8. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Craig et al. ("Craig").

As per claim 33, although Craig teaches a user-adaptive variable-environment system wherein the user-environment information includes user preferences, e.g. power management energy warning levels and desktop information (col. 7, lines 30-32 and 36-46; *the information storage medium stores user preferences such as user's desktop preference wherein, by definition, a desktop is an on-screen work area that uses icons and menus*), Craig does not explicitly disclose the information to be displayed in a language. Official Notice is taken that displaying warning information or information via menu(s) in a language is well known in the art. Therefore, it would have been obvious to an artisan at the time of the invention to include displaying information in a language to Craig's teaching of displaying warning information or information via menu(s) in order to provide users with an art equivalent implementation preference such as text in a language that is comprehensible to the user in addition to information via images.

Claim 34 is similar in scope to claim 33 and is therefore rejected under similar rationale.

Response to Arguments

9. Applicant's arguments with respect to claims 25, 26 and 31-40 have been considered but are moot in view of the new ground(s) of rejection.

Inquires

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is (703)

Art Unit: 2174

305-7601 or **(571) 272-4068** after 10/20/2004. The examiner can normally be reached on Monday - Friday from 5:30 am to 2:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306 [Official Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

LVN
Patent Examiner
October 10, 2004

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100